



**DECLARATION AND POWER OF ATTORNEY**

As the below named inventors, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: "EXCAVATING WEAR MEMBER", the specification therefor being attached hereto.

We hereby state that we have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

We hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the U.S.A. listed below and have also identified below any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the U.S.A. having a filing date before that of the application(s) of which priority is claimed:

NONE

We hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

NONE

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, We acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. application serial. no. 10/005,935 filed on December 3, 2001

And we hereby appoint J. RICHARD KONNEKER, Reg. No. 28,867; and MARLIN R. SMITH, Reg. No. 38,310 of the firm of KONNEKER & SMITH, P.C. our attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

We request that all correspondence be addressed to:

J. Richard Konneker, Esq.  
KONNEKER & SMITH, P.C.  
660 N. Central Expwy., Suite #230  
Plano, Texas 75074  
972/516-0030

We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor: Howard W. Robinson

Residence and Post Office Address: 622 Oak Lane  
Grapevine, Texas 76051

Citizenship: U.S.A.

Inventor's signature: H.W. Robinson

Date: Sept 5<sup>th</sup> 2003

Full name of inventor: Wayne A. Shamblin

Residence and Post Office Address: 1029 Summit Drive  
Burleson, Texas 76028

Citizenship: U.S.A.

Inventor's signature: Wayne A. Shamblin

Date: 9-10-03

Full name of inventor: Bruce L. Hart

Residence and Post Office Address: 2306 Richwood Drive  
Garland, Texas 75044

Citizenship: U.S.A.

Inventor's signature: Bruce L. Hart

Date: 9-9-03